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Paper No. 15

In re Application of
Brian A. Ruestow
Application No. 09/822,639
Filed: March 30, 2001
Attorney Docket No. 814.000427

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: DECISION ON PETITION
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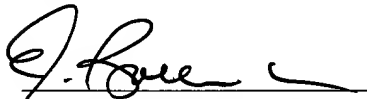
This is a decision on the petition filed by facsimile transmission on March 24, 2004 by which petitioner requests withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the Office action dated August 11, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that this application is not abandoned because a proper reply to the Office letter in question was in fact filed on November 5, 2003. Petitioner supports this allegation by furnishing a copy of the reply and a copy of filing receipt for the reply showing that the reply was in fact received in the Office on November 5, 2003, a date within the period set by the Office letter in question for filing a reply. Based upon this evidence, it is clear that this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application will be forwarded to the examiner for action on the amendment filed November 5, 2003.

PETITION GRANTED.


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